

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
CASE NO: 89-443-A * ZONING COMMISSIONER
NW/2 MT. WILSON LANE, 727.35' *
SW C/1 REISTERSTOWN ROAD * OF
3RD ELECTION DISTRICT * BALTIMORE COUNTY
3RD COUNCILMANIC DISTRICT *
EQUITABLE BANK, N.A. ET AL * CASE NO: 89-443-A
PETITIONER *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners seek five variances which would apply to all lots in the subdivision currently known as Hopkins Property (The Property). The variances would permit: (1) a 15 ft. minimum distance between all buildings in lieu of the required height to height limitation, (2) a minimum distance of 15 ft. between the centers of all facing windows of different dwellings in lieu of the required 40 ft., (3) a 10 ft. minimum distance between windows and property line in lieu of the required 15 ft., (4) a minimum distance of 20 ft. between the right of way and all facing buildings in lieu of the required 25 ft. and (5) a minimum distance of 20 ft. between all buildings and street right of ways in lieu of the required 22 ft., all as more particularly described in Petitioners' Exhibits 3 and 4.

Appearing and testifying on behalf of the Petitioner were Bernie Robbins, President of Talles Construction Company, William J. Devereaux of The Berkus Group, architects, David S. Thaler of D. S. Thaler & Associates, site planner and engineer and Patrick Keller, Deputy Director of the Office of Planning and Zoning for

Baltimore County. There were no protestants.

Testimony elicited by Benjamin Bronstein, Evans, George & Bronstein, counsel for the Petitioner, indicated that the property consists of 37.36 acres located on the west side of Reisterstown Road and the north side of Mt. Wilson Lane in the 3rd Election District. The property, which is served by public water/sewer was rezoned during the 1988 Comprehensive Map from DR1 to DR 3.5 pursuant to a recommendation of the Reisterstown Road Corridor Study (RRCS). The site plan has C.R.G. approval.

The property is not suitable to use for traditional single family detached units. It is impacted by a large flood plain area and there is setback along the Reisterstown Road frontage in order to accommodate a promenade in accordance with the RRCS. The site plan for the property meets these difficulties, while at the same time it utilizes the wetlands and open space areas with a system of pathways through the property. Orchard Road will be extended through the development and become part of the parallel road system to Reisterstown Road (Maryland Route 140). The property also is adjacent to the County Recreation and Park's Woodholme Ball Fields.

The Petitioner's proposal is a use of the "Z" lot line type housing. A "Z" lot line is preferable to townhouses because it permits detached single family units with yard space and privacy for each family while preserving a large expanse of common open space for use by all lot owners, as can be seen in the typical drawing introduced as Petitioners' Exhibit 5. The use of "Z" lot

line units permit the Petitioner to utilize 118 of the allowable 131 density units. Although the Petitioner could utilize all of the density units for a standard townhouse development, it is the Petitioner's decision based on Mr. Robbins' knowledge as a builder in the Pikesville and Owings Mills area that there is a strong market demand for single family detached homes. Taking into consideration the Reisterstown Road Corridor Plan, the physical constraints of the property, the market conditions existing in the Pikesville/Owings Mills area, it is apparent the site is uniquely suitable for "Z" lot line homes.

While Bill No. 100, 1970, specifically set forth a need to foster a greater variety of housing types, the area bulk regulations do not specifically provide for "Z" lot line homes. Testimony elicited from Mr. Pat Keller, Deputy Director of Baltimore County Office of Planning and Zoning (OPZ) indicates that the OPZ has recommended under its draft of Regulations and Standards Document for the master plan revisions, regulations that will permit a variety of innovative house types (specifically including "Z" lot line houses) without the necessity of a variance hearing since the current regulations are not designed for "Z" lot line houses. It is necessary that the variances requested be applicable to all lots regardless of which of the 3 proposed models is utilized on any lot.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the

petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the petitioner must meet the following:

1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for give substantial relief; and
3. whether relief can be granted in such fashion that the the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, the proposed use would not be contrary to the spirit of the LCZR and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty would result if the instant variances were not granted. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the property due to the special conditions unique to this particular parcel and the lack of area regulations for "Z" lot line lots under the BCZR. It is clear that the variances requested will not be detrimental to the public health, safety and general welfare.

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-443-A
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section SEE ATTACHED.

- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
1. Configuration of tract.
 2. Configuration of dwelling units.
 3. And such other and further reasons as shall be demonstrated at the time of hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: MT. WILSON JOINT VENTURE (Type or Print Name)
Signature: GARY TALLES, GENERAL PARTNER
Address: 1133 GREENWOOD ROAD
City and State: BALTIMORE, MARYLAND 21208
Attorney for Petitioner: EVANS, GEORGE & BRONSTEIN (Type or Print Name)
BY: BENJAMIN BRONSTEIN
Address: 29 W. SUSQUEHANNA AVENUE, STE. 205
City and State: BALTIMORE, MARYLAND 21204
Attorney's Telephone No.: (301) 296-0200
Legal Owner(s): MURRAY PEARRE, TRUSTEE
Signature: MURRAY PEARRE
Address: 100 S. CHARLES STREET
City and State: BALTIMORE, MARYLAND 21201
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: D. S. THALER & ASSOCIATES (DAVID S. THALER)
Name: D. S. THALER
Address: 11 WARREN ROAD, BALTO. MD 21208
Phone No.: 484-4100

ORDERED By The Zoning Commissioner of Baltimore County, this 8th day of March, 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the 10th day of May, 1989, at 10 o'clock A.M.
J. Robert Haines
Zoning Commissioner of Baltimore County.

Pursuant to the advertisement, posting of property, public hearing having been held and it appearing the requirements set forth in Section 307 having been met, the requested variances should be granted.

Therefore, it is Ordered by the Zoning Commissioner of Baltimore County this 12th day of June, 1989, that the Petition for Zoning Variances to permit a 15 ft. minimum distance between all buildings in lieu of the required height to height limitation, a minimum distance of 15 ft. between the centers of all facing windows of different dwellings in lieu of the required 40 ft., a 10 ft. minimum distance between windows and property line in lieu of the required 15 ft., a minimum distance of 20 ft. between the right of way and all facing buildings in lieu of the required 25 ft. and a minimum distance of 20 ft. between all buildings and street right of ways in lieu of the required 22 ft., in accordance with Petitioners' Exhibits, 3, 4 and 5, be, and is hereby GRANTED, subject, however, to the following restriction:

The Petitioner may apply for his building permit and be granted same upon receipt of this order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return,

and be responsible for returning, said property to its original condition.

J. Robert Haines
Zoning Commissioner for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333
J. Robert Haines
Zoning Commissioner

June 12, 1989

Benjamin Bronstein, Reg'ire
Evans, George & Bronstein
29 W. Susquehanna Avenue, Suite 205
Towson, Maryland 21204

RE: PETITION FOR ZONING VARIANCE
NW/2 Mt. Wilson Lane, 727.35' SW of the c/l of Reisterstown Road
3rd Election District - 3rd Councilmanic District
Mt. Wilson Joint Venture - Petitioners
Case No. 89-443-A

Dear Mr. Bronstein:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs
cc: People's Counsel
File



Dennis F. Rasmussen
County Executive

ORDER RECEIVED FOR FILING
Date: 6/12/89
By: J. Robert Haines

ORDER RECEIVED FOR FILING
Date: 6/12/89
By: J. Robert Haines

ORDER RECEIVED FOR FILING
Date: 6/12/89
By: J. Robert Haines

ORDER RECEIVED FOR FILING
Date: 6/12/89
By: J. Robert Haines

ORDER RECEIVED FOR FILING
Date: 6/12/89
By: J. Robert Haines

ORDER RECEIVED FOR FILING
Date: 6/12/89
By: J. Robert Haines

VARIANCE REQUESTS

1. 1801.2.C.1 to permit a 15 foot minimum distance between all buildings in lieu of the required height to height limitation.
2. 1801.2.C.2.b to permit a minimum distance of 15 feet between the centers of all facing windows of different dwellings in lieu of the required 40 feet.
3. V.B.6.b. (C.M.D.P.) To permit a 10 foot minimum distance between windows and property line of all buildings in lieu of the required 15 feet.
4. V.B.6.a. (C.M.D.P.) To permit a minimum distance of 20 feet between the right of way and all facing buildings in lieu of the required 25 feet.
5. V.B.8 (C.M.D.P.) To permit a minimum distance of 20 feet between all buildings and street right of ways in lieu of the required 22 feet.

January 18, 1989
DESCRIPTION OF 37.363 ACRES, MORE OR LESS, LIEU OF THE BOUNDARY SURVEY OF SA. PROPERTY

Beginning for the same at a point in the centerline of Mt. Wilson Lane, Maryland Route 400, which point is South 69 32'40" West 727.35 feet from the intersection of the centerline of Mt. Wilson Lane with the centerline of Reisterstown Road, Maryland Route 140; thence, binding upon the centerline of Mt. Wilson Lane, South 69 32'40" West 407.93 feet to a P.R. nail (found), a corner of a parcel of land of John W. Tazat, recorded among the Land Records of Baltimore County, Maryland in Liber 5936 folio 599; thence, binding upon the said land of John W. Tazat, North 54 10'14" West 428.51 feet to a point; North 18 35'14" West 310.32 feet to a point; South 69 32'40" West 476.30 feet to a point; and South 70 40'10" West 102.09 feet to intersect a line of a parcel of land of Baltimore County, Maryland recorded among the said Land Records in Liber 5432 folio 576; thence, binding upon the last mentioned land North 19 19'43" West 326.35 feet to an iron pin (found), and, South 70 49'40" West 195.05 feet to a point, a corner of a parcel of land of William and Peggy Anne Lyon, recorded among the said Land Records in Liber 6761 folio 038; thence, binding upon the last said land, North 08'20'50" West 528.07 feet to a point on the centerline of a 50 foot right-of-way for a private road; thence, binding upon the last mentioned centerline, North 83 26'35" East 335.93 feet to a point; and, North 79 10'30" East 1219.20 feet to intersect the above mentioned centerline of Reisterstown Road, a 66 foot road, thence, binding upon the centerline of said Reisterstown Road, South 42 16'20" East 457.48 feet to a point; thence, leaving the last said centerline, and running partly through the lands of which this is a part, for a new line of division, South 05 46'23" West 908.00 feet to the point of beginning.

Containing 37.363 acres of land, more or less.



89-443-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
8th day of March, 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Equitable Bank, N.A. et al Received by: James F. Dyer
Petitioner's Attorney: Benjamin Bronstein Chairman, Zoning Plans Advisory Committee

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

89-443-A

District: 2nd Worship Date of Posting: 4-20-89
Posted for: Mt. Wilson Joint Venture
Petitioner: Mt. Wilson Joint Venture
Location of property: NW side of Mt. Wilson Lane, 727.35' SW of the CR of Reisterstown Road
Location of Signs: Signs will be placed on the NW side of Reisterstown Road opposite the Chapel Road and signs will be placed on the NW side of Mt. Wilson Lane opposite 9th Street of Reisterstown Road
Remarks: None
Posted by: J. Robert Haines Date of return: 4-21-89
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD. Apr 12, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Apr 13, 1989.

THE JEFFERSONIAN,

S. Zabe Olson

Publisher

PO 10956
reg 127143
ca 89-443-A
price \$51.22

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed petition for a variance from the Zoning Ordinance of Baltimore County, Maryland, as follows:

Petitioner: Mt. Wilson Joint Venture
Case Number: 89-443-A
Address: 111 W. Chesapeake Avenue, Towson, Maryland 21204

Variance: to permit a 15 ft. minimum distance between all buildings in lieu of the required 40 feet; to permit a minimum distance of 15 ft. between the centers of all facing windows of different dwellings in lieu of the required 40 feet; to permit a 10 ft. minimum distance between windows and property line of all buildings in lieu of the required 15 feet; to permit a minimum distance of 20 feet between the right of way and all facing buildings in lieu of the required 25 feet; and to permit a minimum distance of 20 feet between all buildings and street right of ways in lieu of the required 22 feet.

In the event that the Petitioner is granted a building permit, the building shall be constructed within the 180 day period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in the office of the Zoning Commission on or before the date of the hearing on or before the date of the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
4130 Apr. 13

Sun, 10-4, Lutheran/Trinitarian Rev., Cal., 1700 York Rd., Fall or about 252-8272.

INSTRUCTION

SPANISH, FRENCH, GERMAN, ITALIAN, Etc. by native teachers. 9 a.m.-9 p.m. Academy of Languages, 2027 Maryland Ave. 685-8381.

LEGAL NOTICE

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed petition for a variance from the Zoning Ordinance of Baltimore County, Maryland, as follows:

Petitioner for Zoning Variance: Mt. Wilson Joint Venture
Case Number: 89-443-A
Address: 111 W. Chesapeake Avenue, Towson, Maryland 21204

Variance to permit a 15 ft. minimum distance between all buildings in lieu of the required 40 feet; to permit a minimum distance of 15 ft. between the centers of all facing windows of different dwellings in lieu of the required 40 feet; to permit a 10 ft. minimum distance between windows and property line of all buildings in lieu of the required 15 feet; to permit a minimum distance of 20 feet between the right of way and all facing buildings in lieu of the required 25 feet; and to permit a minimum distance of 20 feet between all buildings and street right of ways in lieu of the required 22 feet.

In the event that the Petitioner is granted a building permit, the building shall be constructed within the 180 day period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in the office of the Zoning Commission on or before the date of the hearing on or before the date of the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
Page 26 / Northwest STAR / April 12, 1989

by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed petition for a variance from the Zoning Ordinance of Baltimore County, Maryland, as follows:

Petitioner for Zoning Variance: Mt. Wilson Joint Venture
Case Number: 89-443-A
Address: 111 W. Chesapeake Avenue, Towson, Maryland 21204

Variance to permit a 15 ft. minimum distance between all buildings in lieu of the required 40 feet; to permit a minimum distance of 15 ft. between the centers of all facing windows of different dwellings in lieu of the required 40 feet; to permit a 10 ft. minimum distance between windows and property line of all buildings in lieu of the required 15 feet; to permit a minimum distance of 20 feet between the right of way and all facing buildings in lieu of the required 25 feet; and to permit a minimum distance of 20 feet between all buildings and street right of ways in lieu of the required 22 feet.

In the event that the Petitioner is granted a building permit, the building shall be constructed within the 180 day period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in the office of the Zoning Commission on or before the date of the hearing on or before the date of the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

of notice to track map individuals. Areas during this time will be closed to all other traffic. Clearinghouse is a Jewish Vocational & Service of the Associated Jewish Welfare Fund, 1410 volunteer positions. Friedman, 466-2300.

to track map individuals. Areas during this time will be closed to all other traffic. Clearinghouse is a Jewish Vocational & Service of the Associated Jewish Welfare Fund, 1410 volunteer positions. Friedman, 466-2300.

to track map individuals. Areas during this time will be closed to all other traffic. Clearinghouse is a Jewish Vocational & Service of the Associated Jewish Welfare Fund, 1410 volunteer positions. Friedman, 466-2300.

to track map individuals. Areas during this time will be closed to all other traffic. Clearinghouse is a Jewish Vocational & Service of the Associated Jewish Welfare Fund, 1410 volunteer positions. Friedman, 466-2300.

to track map individuals. Areas during this time will be closed to all other traffic. Clearinghouse is a Jewish Vocational & Service of the Associated Jewish Welfare Fund, 1410 volunteer positions. Friedman, 466-2300.

to track map individuals. Areas during this time will be closed to all other traffic. Clearinghouse is a Jewish Vocational & Service of the Associated Jewish Welfare Fund, 1410 volunteer positions. Friedman, 466-2300.

to track map individuals. Areas during this time will be closed to all other traffic. Clearinghouse is a Jewish Vocational & Service of the Associated Jewish Welfare Fund, 1410 volunteer positions. Friedman, 466-2300.

to track map individuals. Areas during this time will be closed to all other traffic. Clearinghouse is a Jewish Vocational & Service of the Associated Jewish Welfare Fund, 1410 volunteer positions. Friedman, 466-2300.

to track map individuals. Areas during this time will be closed to all other traffic. Clearinghouse is a Jewish Vocational & Service of the Associated Jewish Welfare Fund, 1410 volunteer positions. Friedman, 466-2300.

EASY-BY-NORTHWEST PIKESVILLE

NAME
ADDRESS
CITY

CHARGE NO.
CHECK OR CASH
DATES TO RETURN
CLASSIFICATION

44.00 F

Tracking System

Baltimore County
Zoning Commissioner
Office of Planning & Zoning

Date: 4-17-89 Receipt: 4-17-89 FEE: 110.02
Day Month Year Number TYPE Identification Number Council District Election District Zip Code

Petitioner: Mt. Wilson Joint Venture (Last) (First) (Middle Initial)

Property Address: 111 W. Chesapeake Ave., Towson, MD 21204 (Number) (Street)

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: 4/17/89 ACCOUNT: CL-115 No. 085918

RECEIVED FROM: Equitable Bank AMOUNT: 110.02

FOR: Equitable Bank (T-44-364) B 025*****10000181248F

VALIDATION OR SIGNATURE OF CARRIER
PMT. AMOUNT YELLOW OUTLINE

CERTIFICATE OF PUBLICATION

Pikesville, Md., April 12, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHWEST STAR, a weekly newspaper published in Pikesville, Baltimore County, Maryland before the 13th day of April, 1989.

the first publication appearing on the 13th day of April, 1989

the second publication appearing on the 14th day of April, 1989

the third publication appearing on the 15th day of April, 1989

THE NORTHWEST STAR

Manager John Gule

Cost of Advertisement \$28.80

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE-REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE: May 19, 1989 ACCOUNT: R-01-615-000 No. 067970

RECEIVED FROM: Mt. Wilson Joint Venture AMOUNT: 110.02

FOR: Equitable Bank (T-44-364) B 025*****10000181248F

VALIDATION OR SIGNATURE OF CARRIER
PMT. AMOUNT YELLOW OUTLINE

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Date: 4-17-89

Mt. Wilson Joint Venture
1133 Greenwood Road
Baltimore, Maryland 21208

Re: Petition for Zoning Variance
CASE NUMBER: 89-443-A
M/S Mt. Wilson Lane, 727.35' SW c/l Reisterstown Road
3rd Election District - 3rd Councilman
Petitioner(s): Mt. Wilson Joint Venture
HEARING SCHEDULED: TUESDAY, MAY 9, 1989 at 10:00 a.m.



Dennis F. Easumson
County Executive

Dear Petitioner(s):

Please be advised that \$110.02 is due for advertising and posting of the above referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING ON THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign and post set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign & post set(s), there will be an additional \$25.00 added to the above fee for each such set not returned.

Very truly yours,

J. Robert Haines

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Benjamin Bronstein, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3333

J. Robert Haines
Zoning Commissioner

March 21, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
CASE NUMBER: 89-443-A
N/S Mt. Wilson Lane, 727.35' SW c/l R. Reisterstown Road
3rd Election District - 3rd Councilman
Petitioner(s): Mt. Wilson Joint Venture
HEARING SCHEDULED: TUESDAY, MAY 9, 1989 at 10:00 a.m.

Variance to permit a 15 ft. minimum distance between all buildings in lieu of the required height to height limitation; to permit a minimum distance of 15 ft. between the centers of all facing windows of different dwellings in lieu of the required 40 ft.; to permit a 10 ft. minimum distance between windows and property line of all buildings in lieu of the required 15 ft.; to permit a minimum distance of 20 ft. between the right of way and all facing buildings in lieu of the required 25 ft.; and to permit a minimum distance of 20 ft. between all buildings and street right of ways in lieu of the required 22 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
Zoning Commissioner of
Baltimore County

cc: Mt. Wilson Joint Venture
Benjamin Bronstein, Esq.
Equitable Bank, N.A., Trustee
D. S. Thaler & Associates

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 28, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

MEMBERS

Bureau of
Engineering
Department of
Traffic Engineering
State Roads Commission
Bureau of
Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial
Development

Benjamin Bronstein, Esquire
Evans, George & Bronstein
29 W. Susquehanna Avenue, Suite 205
Baltimore, MD 21204

RE: Item No. 364, Case No. 89-443-A
Petitioner: Equitable Bank, N.A., et al
Petition for Zoning Variance

Dear Mr. Bronstein:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer, Jr.
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Mt. Wilson Joint Venture

Location: NW/4 of Mt. Wilson Lane

Item No.: 364

Zoning Agenda: March 7, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.
- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- () 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* 7-17-89
Planning Group
Special Inspection Division

NOTED &
APPROVED: *[Signature]*
Fire Prevention Bureau

/j1

cc: Mt. Wilson Joint Venture
1133 Greenwood Road
Baltimore, MD 21208

D. S. Thaler & Associates
11 Warren Road
Baltimore, MD 21208

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(801) 887-3554

March 29, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 350, 352, 361, 362, and 364.

Very truly yours,

[Signature]
Michael G. Flanigan
Traffic Engineer Associate II

MSF/LW

RECEIVED
APR 23 1989
ZONING OFFICE

Maryland Department of Transportation
State Highway Administration

Richard H. Trainor
Secretary
Hal Kassoff
Administrator

April 12, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Attn: Mr. James Dyer

Re: Baltimore County
Mt. Wilson Joint Venture
Zoning Meeting of 3-7-89
W/S Mt. Wilson Lane
727.35' South of
Reisterstown Road
(MD 140)
(Item #364)

Dear Mr. Haines:

After reviewing the submittal for variances, we find the plan must be revised to show a future 80' right of way on Reisterstown Road.

Also, since Mt. Wilson Lane is now maintained by Baltimore County, all highway improvements must be approved by Baltimore County (Developers Engineering Division).

If you have any questions, please contact Larry Brocato at 333-1350.

Very truly yours,

[Signature]
Creston J. Mills, Jr., Chief
Engineering Access Permits
Division

LB:maw

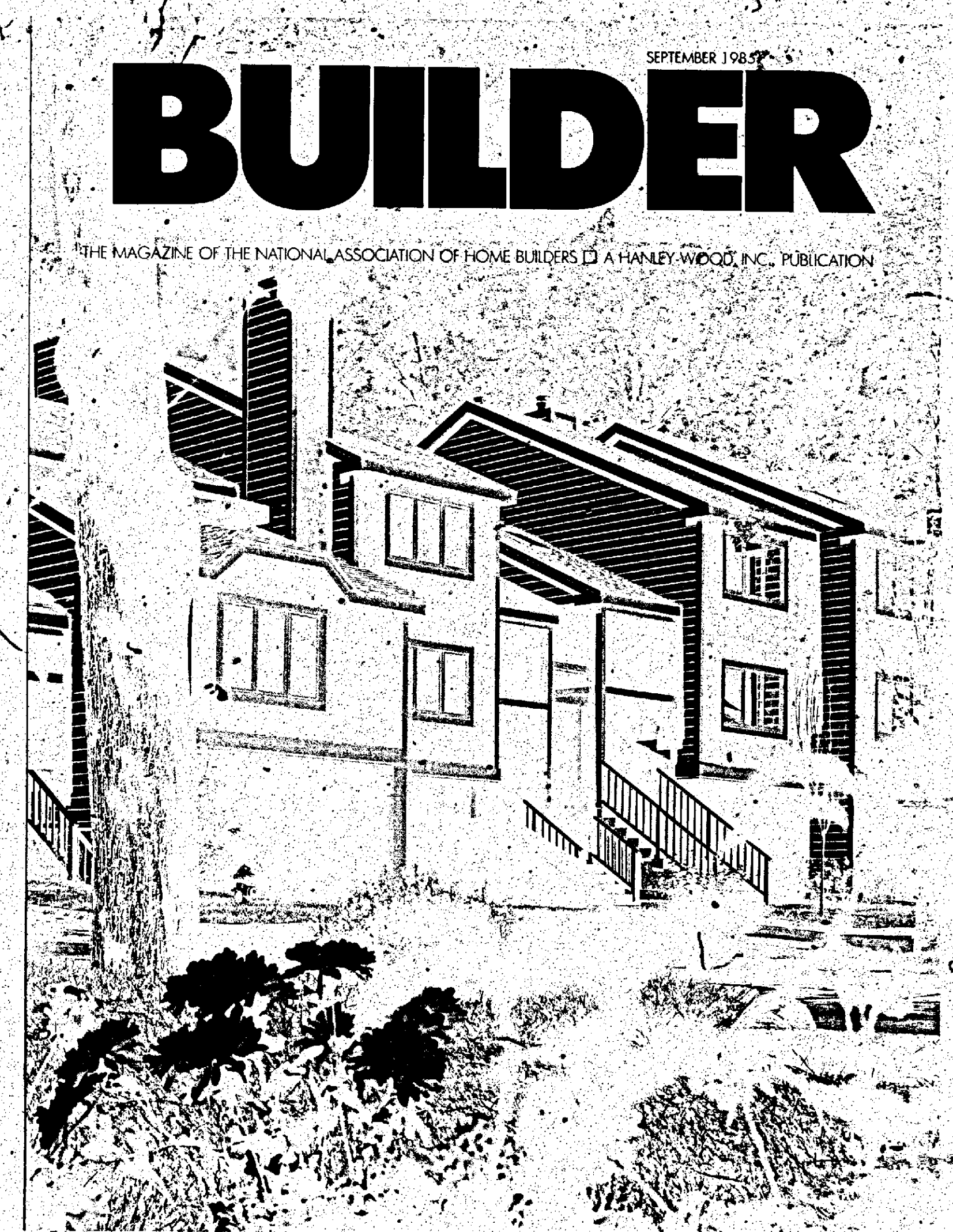
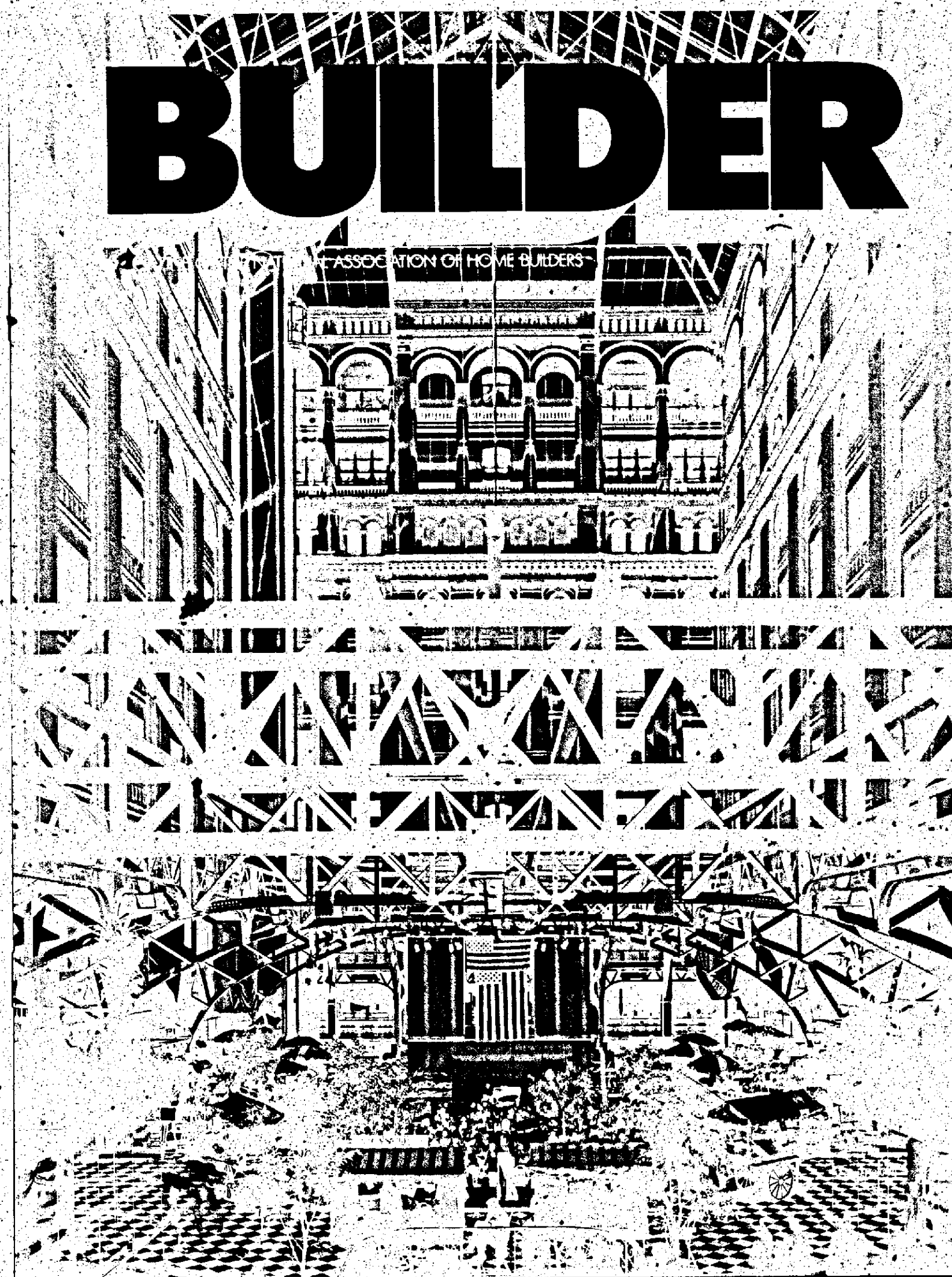
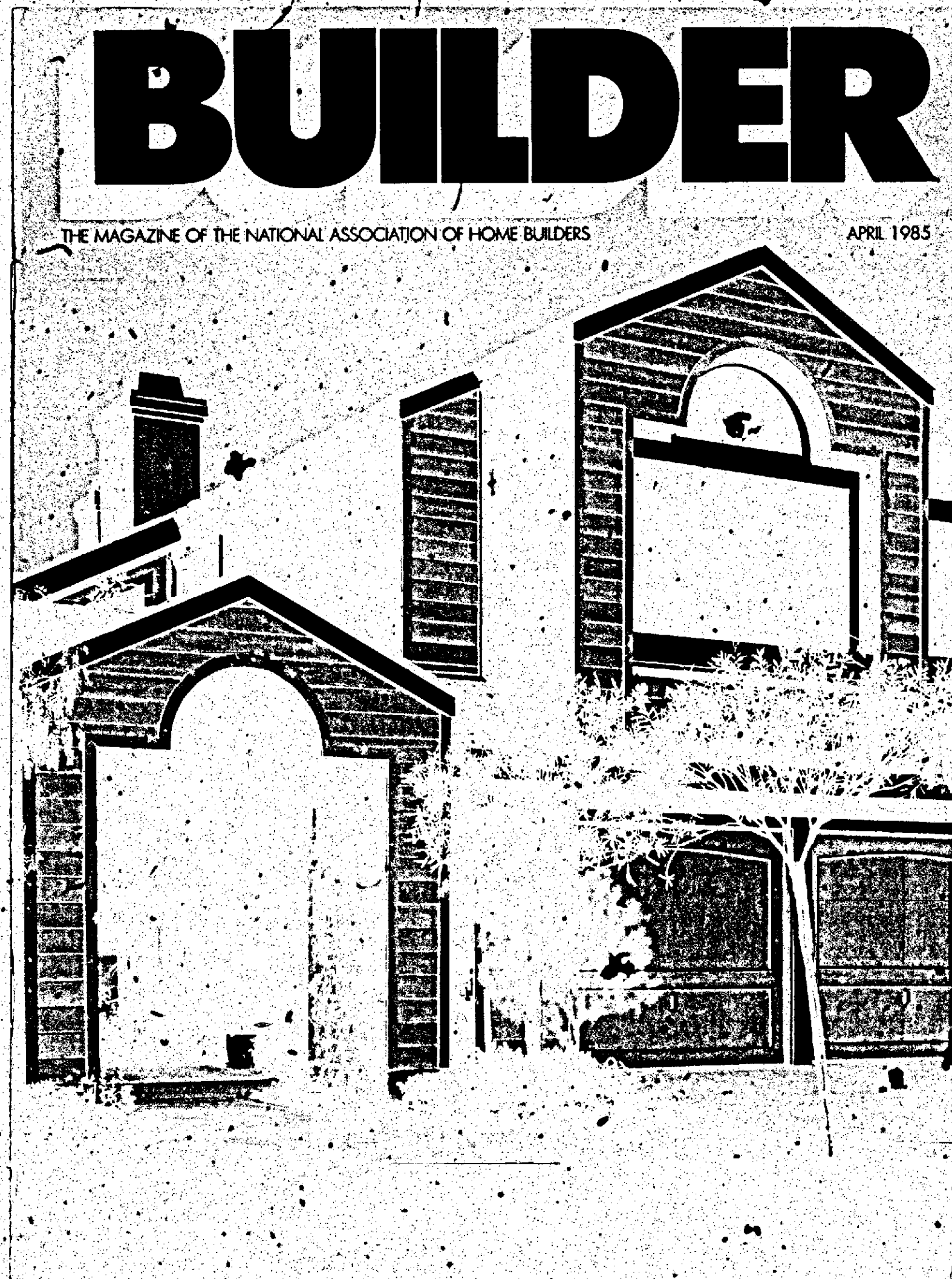
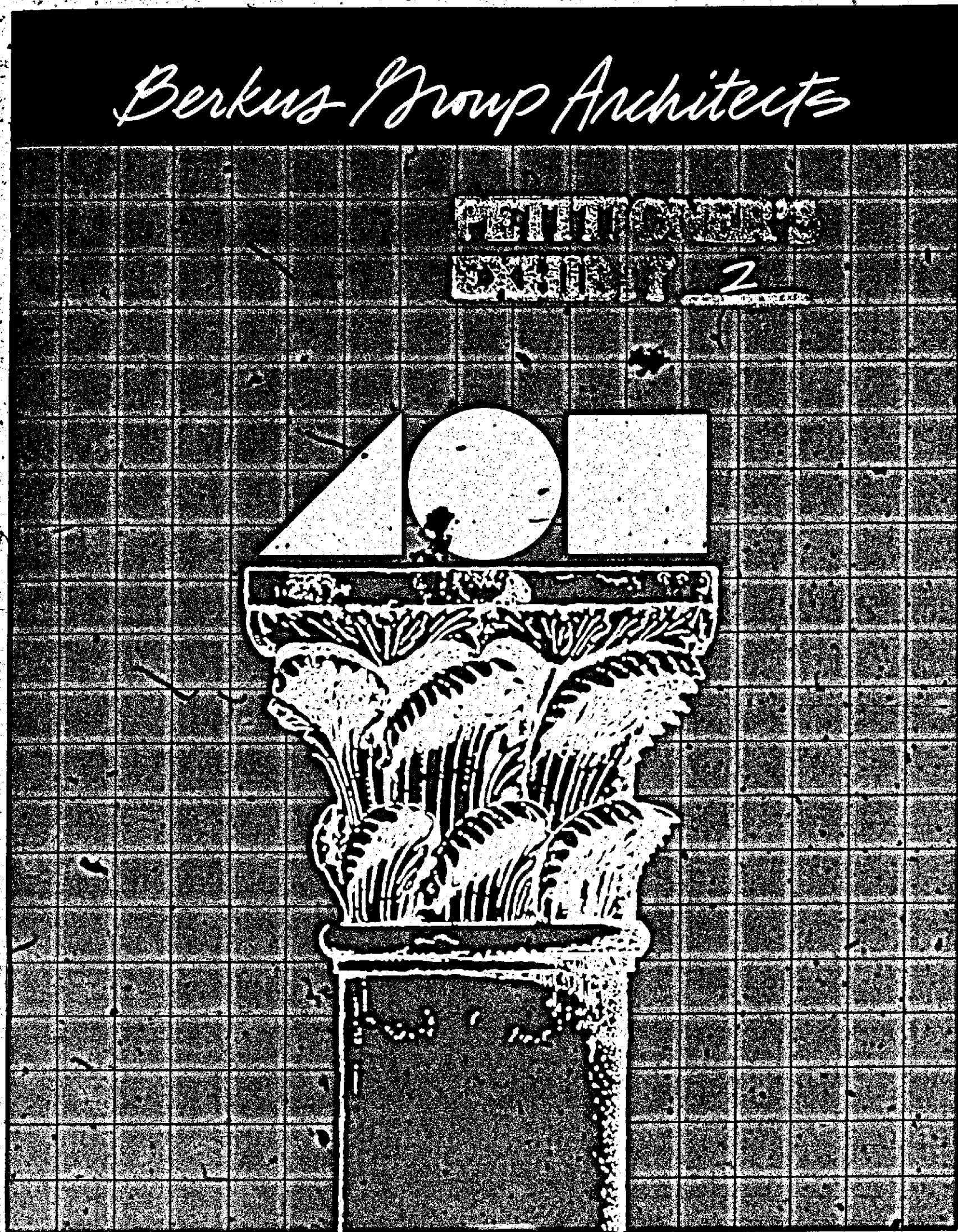
cc: D.S. Thaler & Assoc., Inc.
Mr. J. Oyle

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Benjamin Bronstein	205 Susquehanna Rd 21214
D.S. Thaler	11 WARREN RD BALT MD 21208
WM. J. Devereaux Jr.	5131 N. Monroe St. Arlington VA
BREANED ROBBINS	1133 Greenwood Rd Pikesville MD 21208
Pat Keller (not a petitioner)	Planning/Zoning
Maurice J. Harmon	
201 Wilson Lane	
Pikesville 21208 MD	

PETITIONER'S
EXHIBIT 1



BUILDER

THE MAGAZINE OF THE NATIONAL ASSOCIATION OF HOME BUILDERS

JANUARY 1985



costs per unit were reduced by \$7,700. The County approved variances and waivers for setbacks, street widths and rights-of-way and minimum lot sizes. The clustered development reduced the lineal feet per unit for sewer and water lines. The experiment has not been repeated, however.

RECOMMENDATION:

Consideration should be given to reducing the required zoning setbacks. Furthermore, a waiver committee should be established consisting of members from all appropriate County departments. Although a waiver committee now exists, the committee should be reformulated to encourage waivers to standards which are not necessary and by which higher quality development or affordable housing could be achieved. The process to encourage better design should be simple and fast. The waiver committee should also consider a process to encourage waivers and variances to reduce housing costs subject to performance guidelines which will assure privacy and attractive design. An attempt to legislate quality by enacting more regulations is not recommended.

ISSUE

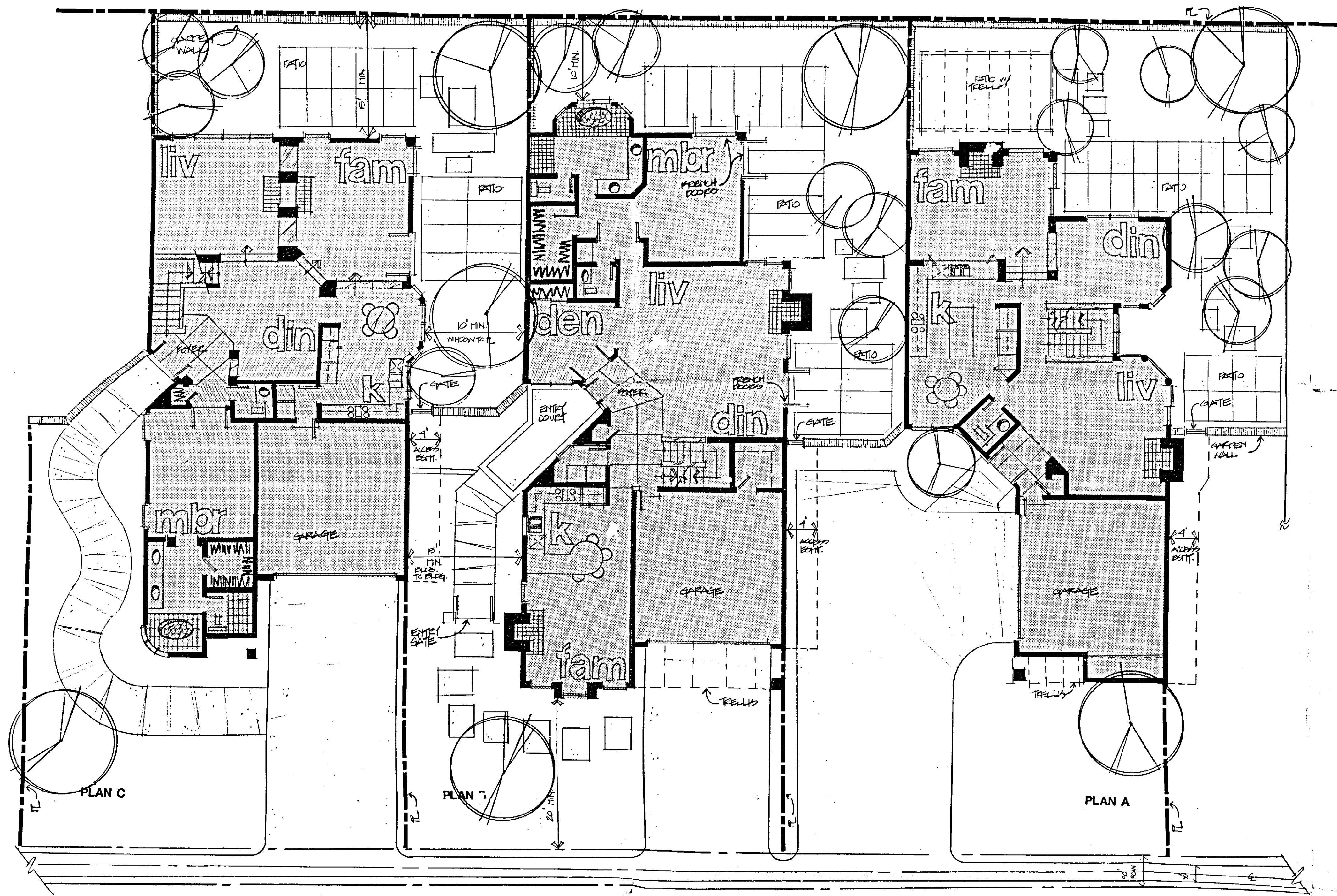
Innovative House Types

A variety of innovative house types has come into existence and have been used very successfully in other jurisdictions. These include zero lot lines, "Z" lots, patio lots and a variety of other modern concepts. The use of these designs allow single family homes to be utilized at nearly townhouse densities. There is a shortage of single family lots in Baltimore County and the interest of the County is well served by allowing these novel styles. Use of these products currently require variances and waivers which are time consuming and expensive to obtain.

RECOMMENDATION:

Baltimore County should enact a zero lot line and "Z" lot regulations to allow those products in the County.

PETITIONER'S EXHIBIT 6



TYPICAL FLOOR PLAN

SCALE: 1/8" = 1'-0"



TYPICAL STREET ELEVATION

SCALE: 1/8" = 1'-0"

These are
OP2
Comments

- ① Fencing - must
- ② Landscaping
- ③ Reistr. town rd. streetscape
- ④ Bldg. Elevations

SCHEMATIC
ARCHITECTURAL EXHIBIT
TO ACCOMPANY VARIANCE PETITION

HOPKINS PROPERTY

364

D.S. THALER & ASSOCIATES, INC.
11 WARREN ROAD
BALTIMORE, MD. 21208
(301) 484-4100
2-17-89
SHEET 3 of 3

PANHANDLE PROFILES

SCALE: 1" = 10'

DATE: 10/1/88

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 10/1/88

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 10/1/88

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 10/1/88

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 10/1/88

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 10/1/88

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 10/1/88

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 10/1/88

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 10/1/88

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 10/1/88

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 10/1/88

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 10/1/88

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 10/1/88

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 10/1/88

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 10/1/88

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

TYP. LOT DETAIL

SCALE: 1" = 20'

DATE: 10/1/88

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 10/1/88

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 10/1/88

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 10/1/88

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 10/1/88

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 10/1/88

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 10/1/88

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 10/1/88

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 10/1/88

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 10/1/88

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 10/1/88

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 10/1/88

BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

DATE: 10/1/88

VARIANCE REQUESTS

1. 18012.C.1 TO PERMIT A 15 FOOT MINIMUM DISTANCE BETWEEN ALL BUILDINGS IN LIEU OF THE REQUIRED HEIGHT TO HEIGHT LIMITATION.

2. 18012.C.2.B TO PERMIT A MINIMUM DISTANCE OF 15 FEET BETWEEN THE CENTERS OF ALL FACING WINDOWS OF DIFFERENT DWELLINGS IN LIEU OF THE REQUIRED 40 FEET.

3. V.B.8.A (C.M.D.P.) TO PERMIT A 15 FOOT MINIMUM DISTANCE BETWEEN WINDOWS AND PROPERTY LINE OF ALL BUILDINGS IN LIEU OF THE REQUIRED 15 FEET.

4. V.B.8.B (C.M.D.P.) TO PERMIT A MINIMUM DISTANCE OF 20 FEET BETWEEN THE RIGHT OF WAY AND ALL FACING BUILDINGS IN LIEU OF THE REQUIRED 25 FEET.

5. V.B.8 (C.M.D.P.) TO PERMIT A MINIMUM DISTANCE OF 20 FEET BETWEEN ALL BUILDINGS AND STREET RIGHT OF WAYS IN LIEU OF THE REQUIRED 22 FEET.

LEGEND

EXISTING

1. EXISTING LOT LINES

2. EXISTING LOT LINES

3. EXISTING LOT LINES

4. EXISTING LOT LINES

5. EXISTING LOT LINES

6. EXISTING LOT LINES

7. EXISTING LOT LINES

8. EXISTING LOT LINES

9. EXISTING LOT LINES

10. EXISTING LOT LINES

11. EXISTING LOT LINES

12. EXISTING LOT LINES

13. EXISTING LOT LINES

14. EXISTING LOT LINES

15. EXISTING LOT LINES

16. EXISTING LOT LINES

17. EXISTING LOT LINES

18. EXISTING LOT LINES

19. EXISTING LOT LINES

20. EXISTING LOT LINES

PROPOSED

1. PROPOSED LOT LINES

2. PROPOSED LOT LINES

3. PROPOSED LOT LINES

4. PROPOSED LOT LINES

5. PROPOSED LOT LINES

6. PROPOSED LOT LINES

7. PROPOSED LOT LINES

8. PROPOSED LOT LINES

9. PROPOSED LOT LINES

10. PROPOSED LOT LINES

11. PROPOSED LOT LINES

12. PROPOSED LOT LINES

13. PROPOSED LOT LINES

14. PROPOSED LOT LINES

15. PROPOSED LOT LINES

16. PROPOSED LOT LINES

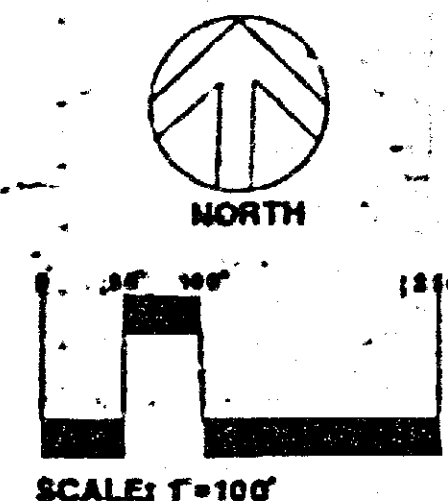
17. PROPOSED LOT LINES

18. PROPOSED LOT LINES

19. PROPOSED LOT LINES

20. PROPOSED LOT LINES

PLAT TO ACCOMPANY VARIANCE PETITION



GENERAL NOTES

1. DEVELOPMENT: Hopkins Property

2. APPLICANT: William J. Venturi

3. PROJECT: Hopkins Property

4. PROJECT: Hopkins Property

5. PROJECT: Hopkins Property

6. PROJECT: Hopkins Property

7. PROJECT: Hopkins Property

8. PROJECT: Hopkins Property

9. PROJECT: Hopkins Property

10. PROJECT: Hopkins Property

11. PROJECT: Hopkins Property

12. PROJECT: Hopkins Property

13. PROJECT: Hopkins Property

14. PROJECT: Hopkins Property

15. PROJECT: Hopkins Property

16. PROJECT: Hopkins Property

17. PROJECT: Hopkins Property

18. PROJECT: Hopkins Property

19. PROJECT: Hopkins Property

20. PROJECT: Hopkins Property

21. PROJECT: Hopkins Property

22. PROJECT: Hopkins Property

23. PROJECT: Hopkins Property

24. PROJECT: Hopkins Property

25. PROJECT: Hopkins Property

26. PROJECT: Hopkins Property

27. PROJECT: Hopkins Property

28. PROJECT: Hopkins Property

29. PROJECT: Hopkins Property

30. PROJECT: Hopkins Property

31. PROJECT: Hopkins Property

32. PROJECT: Hopkins Property

33. PROJECT: Hopkins Property

34. PROJECT: Hopkins Property

35. PROJECT: Hopkins Property

36. PROJECT: Hopkins Property

37. PROJECT: Hopkins Property

38. PROJECT: Hopkins Property

39. PROJECT: Hopkins Property

40. PROJECT: Hopkins Property

41. PROJECT: Hopkins Property

42. PROJECT: Hopkins Property

43. PROJECT: Hopkins Property

44. PROJECT: Hopkins Property

45. PROJECT: Hopkins Property

46. PROJECT: Hopkins Property

47. PROJECT: Hopkins Property

48. PROJECT: Hopkins Property

49. PROJECT: Hopkins Property

50. PROJECT: Hopkins Property

51. PROJECT: Hopkins Property

52. PROJECT: Hopkins Property

53. PROJECT: Hopkins Property

54. PROJECT: Hopkins Property

55. PROJECT: Hopkins Property

56. PROJECT: Hopkins Property

57. PROJECT: Hopkins Property

58. PROJECT: Hopkins Property

59. PROJECT: Hopkins Property

60. PROJECT: Hopkins Property

61. PROJECT: Hopkins Property

62. PROJECT: Hopkins Property

63. PROJECT: Hopkins Property

64. PROJECT: Hopkins Property

65. PROJECT: Hopkins Property

66. PROJECT: Hopkins Property

67. PROJECT: Hopkins Property

PETITIONER'S EXHIBIT 3
PETITIONER'S EXHIBIT

REVISIONS	DATE	BY	DESCRIPTION
1	10/1/88	[Signature]	Initial Design
2	10/1/88	[Signature]	Revised Design
3	10/1/88	[Signature]	Final Design

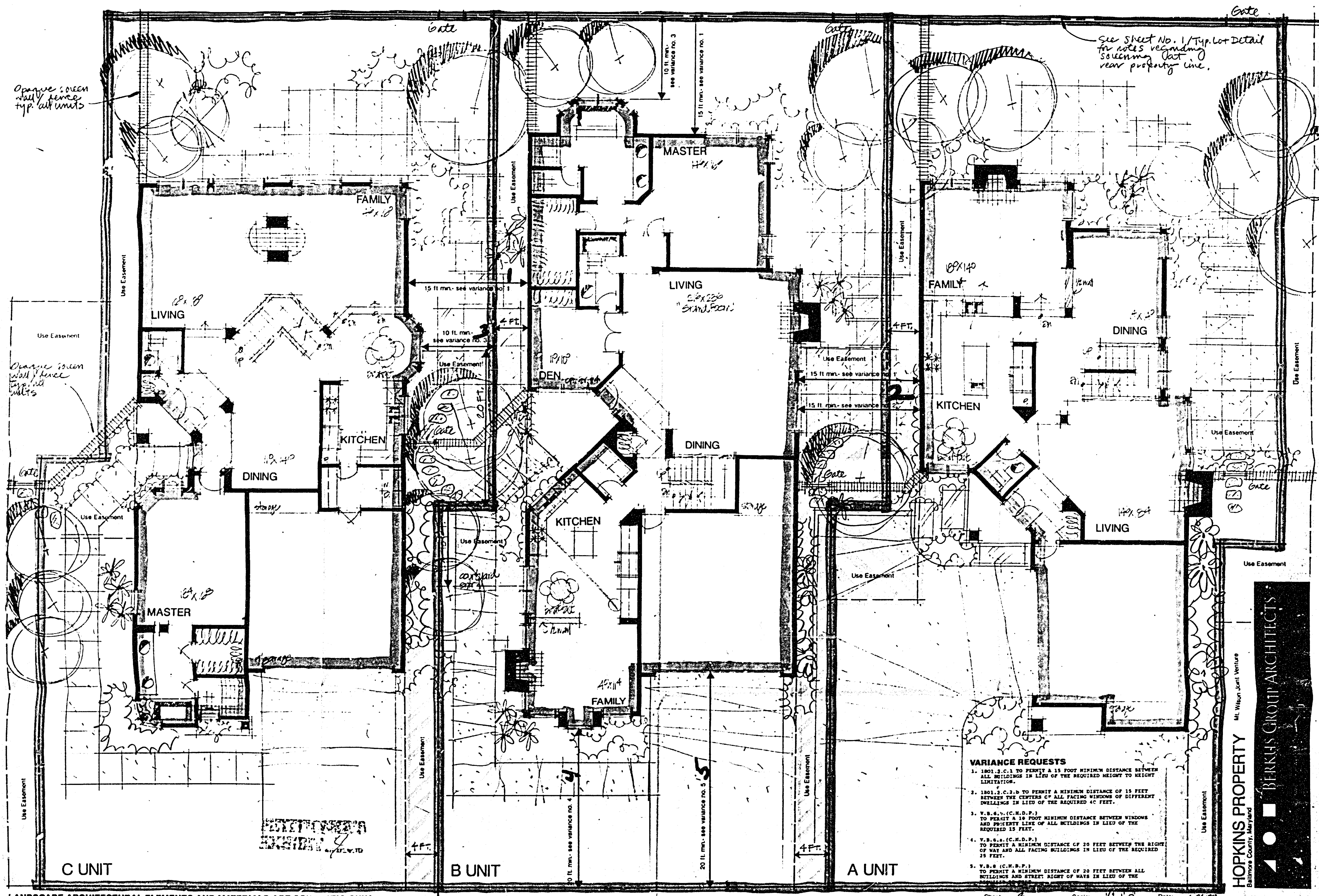
DEVELOPER
Mr. Wilson Joint Venture
1100 Greenway Road
Baltimore, Maryland 21208
Tel: (301) 486-5550

HOPKINS PROPERTY

D.S. THALER & ASSOC., INC.
1100 Greenway Road
Baltimore, Maryland 21208
Tel: (301) 486-5550

DATE: 10/1/88
SCALE: 1" = 100'

DESIGNED BY: [Signature]
CHECKED BY: [Signature]
APPROVED BY: [Signature]



Opaque screen wall fence typ. all units

Opaque screen wall fence typ. all units

See sheet No. 1/TYP. Lot Detail for notes regarding screening fence near property line.

- VARIANCE REQUESTS**
1. 1801.2.C.1 TO PERMIT A 15 FOOT MINIMUM DISTANCE BETWEEN ALL BUILDINGS IN LIEU OF THE REQUIRED HEIGHT TO HEIGHT LIMITATION.
 2. 1801.2.C.3.B TO PERMIT A MINIMUM DISTANCE OF 15 FEET BETWEEN THE CENTERS OF ALL FACING WINDOWS OF DIFFERENT DWELLINGS IN LIEU OF THE REQUIRED 40 FEET.
 3. V.B.6.5. (C.N.D.P.) TO PERMIT A 10 FOOT MINIMUM DISTANCE BETWEEN WINDOWS AND PROPERTY LINE OF ALL BUILDINGS IN LIEU OF THE REQUIRED 15 FEET.
 4. V.B.6.6. (C.N.D.P.) TO PERMIT A MINIMUM DISTANCE OF 30 FEET BETWEEN THE RIGHT OF WAY AND ALL FACING BUILDINGS IN LIEU OF THE REQUIRED 25 FEET.
 5. V.B.6.8 (C.N.D.P.) TO PERMIT A MINIMUM DISTANCE OF 20 FEET BETWEEN ALL BUILDINGS AND STREET RIGHT OF WAYS IN LIEU OF THE REQUIRED 25 FEET.

HOPKINS PROPERTY Mt. Wilson Joint Venture
Baltimore County, Maryland

BERKUS GROUP ARCHITECTS



C UNIT

B UNIT

A UNIT

**PETITIONER'S
EXHIBIT 5**

ELEVATIONS

HOPKINS PROPERTY

Baltimore County, Maryland

Mt. Wilson Joint Venture

Scale: $\frac{1}{4}" = 1'-0"$

Date: 4/24/09

Sheet: 4

THIS DRAWING INDICATES ARCHITECTURAL AND LANDSCAPE ARCHITECTURAL CHARACTER ONLY.

